

ADPA BULLETIN NO. 04-03

March 17, 2004

TO: Executive Directors
Proposition 36 Contract Treatment Providers

FROM: Patrick L. Ogawa
Alcohol and Drug Program Administration

SUBJECT: **TREATMENT SERVICES FOR PROPOSITION 36 PARTICIPANTS**

The purpose of this bulletin is to update and clarify Los Angeles County policies regarding the provision of drug treatment services for Proposition 36 participants. This bulletin also confirms the information provided in the Alcohol and Drug Program Administration (ADPA) Bulletin 03-07, issued October 10, 2003. The goal is to provide a continuum of quality treatment services to all program participants as prescribed by the law.

The Proposition 36 law specifically allows for one year of drug treatment services, followed by six months of continuing care services per grant of probation, with a maximum of two grants. Drug treatment providers' and program participants' compliance with the mandated time limits is being closely monitored by both the California Department of Alcohol and Drug Programs and the Los Angeles County Alcohol and Drug Program Administration (ADPA).

Residential Treatment Services Policy

To ensure a smooth and timely transitioning of Proposition 36 participants from residential to outpatient services, the Los Angeles County Proposition 36 Steering Committee approved new procedures. As stated in the *Summary of Treatment, Supervision, and Continuing Care Services Matrix* (attached), residential services for participants assessed at Level III (most severe addiction) shall be for no more than 180 days. These days are cumulative. For example, 25 residential days with X provider and 75 days with Y provider equal 100 days towards the 180 maximum allowance.

Procedures

- Submission of a Discharge Plan at 120 Days of Residential Treatment or 30 Days Prior to Discharge

Effective immediately, treatment providers are required to submit a discharge plan for a program participant at no later than 120 days of residential treatment or 30 days prior to discharge (whichever comes first). The discharge plan shall describe the participant's progress in treatment and specific steps in preparation for discharge and for maintaining recovery following discharge. The discharge plan shall provide: treatment referral information including the agency name that will provide the next phase of treatment services; scheduled start date; employment information; housing information; and any specific concerns or instructions. Copies of the discharge plan shall be submitted to the Court, Probation (and/or Parole), and maintained in the participant's file for review by the ADPA Contract Program Monitor.

The Treatment Court and Probation eXchange (TCPX) information system maintains an on-going record of treatment days. Providers are responsible for monitoring the number of days a participant is in residential treatment and, with the Court's approval, for making appropriate arrangements to transition the participant to an outpatient program prior to reaching the maximum days. Failure to adhere to the 180 cap will result in non payment for services provided over the 180 day period.

- **Participants requiring more than 180 days of residential treatment services (and who are eligible for treatment services via another funding source) may be continued beyond the 180 days maximum with the Court's permission.**

If a participant has reached the 180 day residential limit and the provider has residential beds available via another funding source, such as CalWORKs, Prison Services Network (PSN), or private pay, the participant may continue to receive residential treatment services if all of the following conditions are met:

1. He/she is eligible for treatment via another funding source;
2. Clinical need is documented and supports the utilization review process;
3. Immediate release from residential treatment could place the participant in jeopardy of relapse and re-arrest;
4. The provider continues to meet all Proposition 36 reporting requirements;
5. The Court approves and orders (via a Minute Order) continued residential services based on a revised treatment and discharge plan; and
6. Court approval must be obtained every 30 days beyond the 180-day maximum.

The TCPX system provides a drop-down menu and the provider shall indicate the accurate funding source as appropriate. The provider shall also follow the established protocols as defined in the Proposition 36 matrix for reporting, providing treatment services, and inputting data into TCPX for ALL Proposition 36 participants regardless of the source of funding for treatment services.

- **Participants shall not be continued in primary treatment beyond one year and in continuing care beyond 6 months or a combined total of 545 days REGARDLESS of the funding source.**

One Grant of Probation – Multiple Cases Policy

Some Proposition 36 participants may have multiple court cases but are supervised under one grant of probation. Proposition 36 allows one year of treatment services (plus continuing care) per grant, with a maximum of two grants.

Procedures

The one-year of primary treatment maximum is per grant of probation, regardless of the number of cases under that grant.

- **Multiple Cases Do Not Result in Extra Treatment Time**

Each participant is allowed one year of primary treatment (plus continuing care) for one grant of probation regardless of the number of cases under each grant. The primary case number shall NOT be changed to allow additional treatment time under another case on the same grant.

Second Grant of Probation Policy

Additional treatment time is allowed for a participant who picks up a new case and for whom the Court orders a new grant of probation. The total allowable treatment time on the two grants is not cumulative. The treatment clock on the original grant stops when the new grant is ordered. The participant is entitled to the 365 primary days plus 6 months continuing care on the new grant.

Procedures

The bench officer shall issue a minute order and order the participant to report to a Community Assessment Services Center (CASC) for re-assessment and re-referral. Upon assessment, the CASC shall close the first case (regardless the number of treatment days used) and enter the second case number into TCPX.

For those participants in active treatment with a Proposition 36 provider, the treatment provider shall fax the minute order to the appropriate CASC within 72 hours to change and update the case number.

Drug Testing

Regardless of funding source used for treatment services, all Proposition 36 participants are to be tested based on the schedule stipulated in the Proposition 36 matrix. The tests shall be administered only by use of the Laboratory Corporation of America (LabCorp) products using the established protocols.

Data Collection and Reporting Requirements

As noted above, the law specifically defined the length of treatment services to be provided for Proposition 36 participants. Accurate records must be maintained to permit all eligible participants access to needed services as allowed by the law. All County-contracted P36 treatment agencies are required to accurately and regularly enter all participant data into the Treatment Court and Probation eXchange (TCPX) system, as well as to complete and submit admission and discharge forms for the Los Angeles County Participant Reporting System (LACPRS). Missing, inconsistent, or inaccurate information can result in a reduction of the County's funding allocation and directly impact our ability to provide sufficient funding for quality treatment services.

If you have any additional questions or need technical assistance, please contact the ADPA Proposition 36 help line at (888) 742-7900, Monday to Friday, from 8:00 a.m. to 5:00 p.m.

PLO:cml

c: Community Assessment Services Center Directors